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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,831	10/20/2005	Dieter Morszeck		3840

7590 11/13/2006

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/553,831

Applicant(s)

MORSZECK, DIETER

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. Applicant to provide copies of the foreign references and an IDS form so that these references can be considered.

2. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“conable” is misspelled.

3. Claims 10-13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama (JP 11299519) in view of Russell (4022261). Matsuyama teaches a carrying case with an outer shell from transparent and an inner shell of soft plastic material. Matsuyama meets all claimed limitations except for the sheet with an illustration. Russell teaches that it is known in the art to provide a sheet with illustration inside a luggage via a punch cut 92. It would have been obvious to one of ordinary skill in the art to provide a sheet with illustration inside a luggage via a punch cut 92 to provide the desired appearance of the luggage.

4. Claims 10-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama (JP 11299519) in view of MacGregor (4243340). MacGregor teaches that it is known in the art to provide a sheet with illustration inside a luggage via a punch cut 14”-21”. It would have been obvious to one of ordinary skill in the art to provide a sheet with illustration inside a luggage via a punch cut to provide the desired appearance of the luggage.

Regarding claim 17, it would have been obvious to one of ordinary skill in the art to make the material from plastic to provide the desired material.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Matsuyama rejection as set forth above in paragraph 4, and further in view of McGraw (3861504) or Plotkin

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(2157833). It would have been obvious to one of ordinary skill in the art to provide an inner lining as taught by either McGraw or Plotkin to provide added protection.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Matsuyama rejection as set forth above in paragraph 4, and further in view of Toller (3623580). It would have been obvious to one of ordinary skill in the art to make the shells from polycarbonate as taught by Toller, (col. 1, ln. 66) to provide the desired material.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over suyama rejection as set forth above in paragraph 4, and further in view of Feng (GB2366512) or Hamatani et al. (5111919). It would have been obvious to one of ordinary skill in the art provide a frame with zipper to provide an alternative frame and to open and close the luggage easily.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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